

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA**

**LOUIS ANTHONY GALLO, Administrator of  
the Estate of Anthony Edward Gallo,  
deceased,**

**Plaintiff,**

**VS.**

**CHAD WEAVER, in his Individual Capacity;  
JOSEPH RUGGERY, DALE BROWN,  
STEVEN DRISCOLL and JOHN KEAN  
all in their Individual Capacities;**

**Defendants.**

**Civil Action No. 2:19-cv-1260**

**TYPE OF PLEADING:**

**PLAINTIFF'S MOTION TO ADD  
DELAY DAMAGES TO JURY'S  
VERDICT.**

**NATURE OF CASE:  
Section 1983 Civil Rights Action  
Excessive/Deadly Force**

**FILED ON BEHALF OF:**

**The Plaintiff**

**COUNSEL OF RECORD:**

**Noah Geary, Esquire  
123 Washington Street  
Washington, PA 15301  
724-222-3788  
PA ID 78382**

**October 30, 2024**

**PLAINTIFF'S MOTION TO ADD DELAY DAMAGES TO JURY'S VERDICT.**

**AND NOW COMES** the Plaintiff, and respectfully submits as follows:

1. The Plaintiff, on May 29, 2024, obtained a Jury Verdict of \$21,000,000.00 against Defendant Chad Weaver.
2. The Verdict constituted of \$10,000,000.00 in compensatory damages and \$11,000,000.00 in punitive damages.
3. On June 8, 2024, the Plaintiff filed a timely Motion for Delay Damages.
4. The Motion duly contained the proper Notice pursuant to **Pennsylvania Rule of Civil Procedure 238** warning the Defendant that failure to respond within 20 days would result in the delay damages being added to the verdict. (Paragraph 17, Motion).
5. Almost 5 months have now elapsed and the Defendant has never responded; he has thus defaulted.
6. The Motion filed in June attached a Proposed Order directing a response from the Defendant; this Court did not sign the Order which is of no moment: **Rule 238** does not require such an Order be entered because the Motion itself contained the requisite notice to the Defendant, warning to respond, and consequence of failing to respond.
7. Due to the Defendant's failure to respond and the amount of time which has passed, this Court is hereby requested to add delay damages to the Jury's Verdict.
8. Due to the Defendant's clear default, the Court has no discretion here.
9. The total of the pre-judgment interest, as detailed in the Plaintiff's Motion, is \$2,615,000.00.

**WHEREFORE**, the Plaintiff respectfully requests this Court, pursuant to **Pennsylvania Rule of Civil Procedure 238**, to award and add delay damages to the jury's May 29, 2024 verdict in this case in the amount of \$2,615,000.00.

Respectfully submitted,

/s/ Noah Geary  
Noah Geary, Esquire  
Attorney for Plaintiff  
123 Washington Street  
Washington, PA 15301  
724-222-3788  
PA ID 78382

October 30, 2024

**CERTIFICATE OF SERVICE:**

I hereby certify that I served the following **Plaintiff's Motion to add Delay Damages to Jury's Verdict** upon Scott Bradley, Esquire, counsel for Defendant Weaver, this day via ecf-filing:

October 30, 2024

/s/ Noah Geary  
Noah Geary, Esquire  
Attorney for Plaintiff